(1953 49) Department.

No. SERIES.

G.O. No. 411

Dated 21.2.49.

[Despatch Abstract.]

Land Acquisition District Harijan Welfare Offic... ...
Land Acquisition Officers Practice. Extension to all districts.
Papers recorded...

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
MS.	2191	Revenue	23/12/26				

Further Papers.

G.O.	No.	Department.	Date	G.O.	No.	Department.	Date.

Revenue Department.

To

Assistant Secretary,

The previous notes need not be seen.

2. The file deals with the question whether speedy results can be achieved for acquisition of house-sites fo Harijans by investing D.L.Os. in the grade of Deputy Tahsildars, with powers of acquisition, even if it would mean amendment of the existing rules.

3. The expression "Collector" as defined in Sec. 3(c) of the L.A.Act includes any officer specially appointe by the Local Government to perform the functions of a Collector under the Act. There is, therefore, no legal objection to invest Labour Officers drawing Deputy Tahsildar's pay with powers under the L.A.Act. The procedure is however the same whether Land acquisition work is entrusted to the Revenue officers (R.D.Os) or to the D.L.Os. The appointment of D.L.Os. as Collectors under the L.A. Act instead of Revenue Officers will not simplify the procedure to be followed for acquisition of house sites for Harijans. It may, however, be pointed out that the time taken by D.L.Os. usually to be in acquisition proceedings. The R.D.Os. with their varied activities may not be able to devote their sole attention to a particular item of work. It may not be the case with D.L.Os. Prior to 1947-48 there were no D.L.Os. for the nine Districts of Ramnad, Madura, Tinnevelly, Coimbatore Salem, Cuddapah, Kurnool, Chittoor and Vizagapatam. They have since been appointed in these nine Districts. At present there are D.L.Os. (now renamed as Dt. Harijan Welfare Officers) in all the Districts except Madras and the Nilgiris. The Board has reported that D.L.Os. are functioning as Land Acquisition Officers in 15 Districts (including Vizagapatam with reference to the orders in G.O.No. 2191 Revenue dated 23.12.26. It has, therefore, been suggested that this practice may be extended to other Dts. also. Dev. have agreed to this suggestion. For orders whether the suggestion will be accepted. It may also be stated in this connection that the Government have recently authorised the D.H.W.Os. also to execute agreements with persons on whose behalf land is acquired under the L.A. Act for house site so as to avoid delay at the stage of execution of agreements.

3. As regards delays in Land Acquisition, it is submitted that Section 17 of the Land Acquisition Act lays down the procedure to be followed for acquisitionof land in cases of urgency. In view of the desirability of introducing some provision which will ensure quicker action than that feasible under this section, it was sugges ted that the procedure adopted under rule 75-A of the D.O.I. Rules for acquisition of Land might be made a permanent feature. Under this procedure any requisitioned property could be acquired by serving a notice on the ownere or by publishing a notice in the official gazette to the effect that it had been decided to acquire the property; and on the service or publication of such notice

the.....

any mortgage, pledge, lien or other similar encumbrance from

the property would vest in the Government free from the beginning of the day on which the notice was served or published. This suggestion was referred to the Board of Revenue for remarks. The Board's ~~remarks~~ on page 11 c.f. For the reasons given by it, ~~the Board considers that it is not advisable to make it~~, the Board considers that it is not advisable to make the procedure adopted under rule 75-A of the D.O.I. Rules by which requisition and acquisition of lands is done by the more service of a notice, a permanent feature in peace time also. The Board, however, has invited the attention to the suggestions made by it to minimise delay in taking possession of waste and arable land under Section 17(1) of the L.A. Act. in connection with the examination of the report of the Road Lands Enquiry Committee and says that the implementation of those suggestions may go a long way in achieving the object in view. These suggestions were examined by this Government and the Government of India was informed of the views of this Government. They have since stated that the matter is receiving their attention and that a reply will be sent shortly. It is for orders whether the Government will accept the Board's views on page 11 c.f. and 20-21 c.f. that it is inadvisable to make the procedure contained in Rule 75-A of the D.O.I. Rules for acquisition of land a permanent measure and that legislation on the lines of the Sind (Requisition of Land) Bill, 1947, will be accepted.

4. The file may be circulated for orders to H.M. (L.R.) and H.M. (R.D.)

Rule A above, Local Accounts department have in another file also suggested the need for amending Land Acquisition Act to speed up the procedure. Orders are being solicited on that point. That file may also be limited with this

(Sd.) D.S.
19.3.48.

The Board's view may be accepted that it is undesirable to make the procedure of Rule 75A of the D.I. Rules a permanent feature of all land acquisition cases in peace time. The suggestion that Section 17(1) of the Act should be amended so as to enable Speedier possession being acquire in certain case, is examined in the top file.

(Sd.) X X
20.3.48.

H.M(L.R) H.M.(R.D)

I agree to 'A' on page 15 ante. Acquisition of sites and houses, wells, etc. for the benefit of Harijans should be brought within the purview of the proposed amendment of section 17(1) of Land Acquisition Act.

(Sd.) X X

Assistant Secretary,

With reference to 'A' at p.15 ante a draft Memo is submitted for approval. It may be sent to Development for perusal before issue.

2. With reference to H.M.(Rd.)'s minute above, it is submitted that the urgency provisions in section 17 of the Land Acquisition Act may be invoked for the acquisition of Lands for any public purpose. What exactly constitutes 'Public purpose' is not exactly defined anywhere. The government are apparently the sole judges in the matter. Acquisition of sites for houses, wells etc for the benefit of Harijans can ~~WHIXH~~ be considered as acquisition for a public case in which case it appears unnecessary to make any specific provision in the Act. Legal may advise on this points.

(Sd.) X X

3. The proposal to amend see 17 cf of the Land Acquisition Act so as to make it clear that there isno for to the application of the urgency clauses of the Act to acquisition of Lands containing shray trees, hut and flimsy structures has been included in the Draft memorandum put up in the Departmentfile. Subject to orders ~~XX~~ on para 2 above, the point mentioned therein has not been included in the Draft.

This file may go to Legal along with Draft file.

(Sd.) X X

Revenue Department.

To

Assistant Secretary,

Notes from Page 14 ante may be perused.

2. The Land Acquisition (Madras) Amendment Bill 1948 was Passed into law and was published as Madras Act~~XXI~~ of 1948 at pages 1 and 2 of Part IV B of the Fort St. George Gazette. Under the amendment introduced by this Act, Land can be acquired for any dwelling house for the poor under the agency provisions in 17(2) of the L.A. Act.

3. The draft memo aheadly put up with reference to orders at A on page 15 ante and approved in inculation on page 16to17 above ~~X~~may be

(Sd.) X X

Recorded.

The recent amemdment provides for acquisition for dwelling houses for the poor. This would cover the case

for...

of Harijans mentioned by H.M.(RD) in his minute at page 17 Supra. No action is therefore necessary in this respect.

2. The Draft memo referred to at 'A' abovemay issue.

The papers may then be 'Recorded'

(Sd.) X X
2.2.49.

Issued as Memo No 1824 LKP/47-4 dated 2.2.49.

To

Assistant Secretary,

Please see the memo on page 26 c.f. ~~So~~ No further action is necessary in this file.

2. As aheadly ordered above, the papers may now be

C.O.Ms.No.411 dated 21.2.49.

Recorded.

No.1824 LKF/47-4.

Subject: Land Acquisition of Harijan welfare Offices Appointment as Land Acquisition Officers--Practice Extents to all Districts.

Papers Recorded.

(Sd.) X X

OFFICE ASSISTANT
MADRAS RECORD OFFICE.

5/X/53